

GERSHOM VAN VOAST.

[To accompany bill H. R. 595.]

DECEMBER 12, 1856.

Mr. BROOM, from the Committee on Revolutionary Pensions, made the following

R E P O R T .

The Committee on Revolutionary Pensions, to whom was referred the petition of Gershom Van Voast, submit the following report :

The claimant, in his statement under oath, makes the following declaration: "That he entered the service of the United States in the summer of the year 1779, in the company of Captain Gray, regiment of Colonel Wemple; that he was not enlisted, but continued as aforesaid for more than *three* years in the service of the war of the Revolution; that he had the care of the horses at the Congress stable, situated on the land of his father, in Schenectady; was once despatched to carry the mail or express to Schoharie, also to drive cattle to Fort Plain and Fort Herkimer; and that his brother, James J. Van Voast, for having performed the same kind of duties, is now pensioned, and that said service was not performed under any civil contract, &c., &c.

James J. Van Voast, a *revolutionary pensioner*, states, under oath, that he is brother to the present applicant, and that to his knowledge his brother Gershom entered the service at the age of 14 years, and that he belonged to the same company to which his said brother did; that said Gershom joined the company at Schenectady, under Captain Gray and Colonel Wemple in the year 1779, and was employed most of the time in taking care of the horses at the continental stable, in the city of Schenectady, and that he remained there employed, as above mentioned, more than two years; that he (said Gershom) was once despatched to carry the mail or express to Schoharie, and was once ordered to go with this deponent to drive cattle for the army to Forts Plain and Herkimer, and was attached to the army in the same capacity as he was, and was as much under the command of Captain Gray and Henry Glen, commanding general, as he was, from the years 1779 to 1783, and continued to perform all such duties as were imposed on him by the officers of the army, and did not devote any time to anything else than the military operations against the enemy of the country," &c., &c.

Jerome Barkydt, also a *revolutionary pensioner*, says, under oath,

that he well knew the said Gershom Van Voast was engaged in the service of the United States in the war of the Revolution for more than two years from 1779; that most of his services consisted in taking care of the horses belonging to the army; that he was compelled to do duty as express, and to drive cattle for the army to Forts Plain and Herkimer in 1780, and performed the same kind of duty that his brother, James J. Van Voast, did during the war, &c., &c.

John J. Schermerhorn, a *revolutionary pensioner*, states, *under oath*, that he has always known Gershom Van Voast, and he believes, from the best of his recollection, that Gershom V. Voast served more than two years in the army of the United States, and at the time stated in the affidavit of James J. V. Voast, hereunto annexed, &c., &c.

In presenting the case to the Pension Office, the objection to the allowance of the claim appears that, being "but 14 years of age, he could not have been under enlistment as a soldier, which is indispensably necessary to entitle him to a pension." This objection, upon an examination of the act of June 7, 1832, under which claimant is entitled, does not justify the conclusion of the Pension Office. The first section of the said act is in the following words: "That each of the surviving officers, non-commissioned officers, musicians, soldiers, and Indian spies, who shall have served in the continental line, State troops, *volunteers*, or militia, at one or more terms, a period of two years during the war of the Revolution, &c., &c., shall be entitled to receive," &c.

It is obvious from the act itself that *service only* was contemplated as the prerequisite to entitle a soldier to the pension, and not whether he was regularly enlisted, or whether it was performed without enlistment; or why would the word "*volunteers*" have been introduced? The act is, in its language, intended to embrace every species of service performed during the memorable struggle for independence; the term of service, provided it was of six months' duration, being the only thing necessary to insure to the aged soldier his country's bounty.

The committee deem the evidence fully satisfactory to establish two years' service, and the rules of the office themselves fully complied with; they therefore report a bill for his relief.